

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1251-01
Bill No.: HB 427
Subject: Vital Statistics; Health Department; Children and Minors; Family Law;
Type: Original
Date: March 1, 2011

Bill Summary: This proposal modifies provisions relating to adoption records and original birth certificates.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	\$11,214	\$13,795	\$14,217
Total Estimated Net Effect on General Revenue Fund	\$11,214	\$13,795	\$14,217

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Children's Trust Fund	\$15,750	\$19,375	\$19,955
Endowed Cemetery Fund	\$3,150	\$3,875	\$3,991
Missouri Public Health Services Fund	\$15,750	\$19,375	\$19,955
Total Estimated Net Effect on <u>Other</u> State Funds	\$34,650	\$42,625	\$43,901

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Sections 193.125, 193.135, 193.255, 453.121, 453.510, 453.515 & 453.520:

Officials from the **Missouri State Treasurer** assume the proposal would have no fiscal impact on their agency.

Officials from the **Department of Social Services** assume this proposed legislation allows the Children's Division to refer the adopted person, or the adopted person's lineal descendants if the adopted person is deceased, to the child placing agency, or juvenile court if the Children's Division does not have sufficient information or the resources to conduct the searches, and allows the Children's Division, the child placing agency or the juvenile court to charge actual costs of the search to the adopted person or the adopted person's lineal descendants if the adopted person is deceased. Therefore, the Children's Division would anticipate the fiscal impact of this proposed legislation to be minimal and consistent with FN4041-08 submitted in the 2010 legislative session in response to adoption records language proposed in SS SCS HB 1609.

The Children's Division would anticipate needing one additional FTE to field the anticipated requests, determine whether or not the Children's Division has sufficient information and resources to conduct the search and appropriately refer the adopted adult or the lineal descendant when necessary.

Oversight assumes the DSS-Children's Division could absorb a FTE.

Officials from the **Office of the State Courts Administrator (CTS)** assume, based on the clerk weighted workload, CTS would not anticipate a fiscal impact in excess of \$100,000.

Oversight assumes the CTS could absorb the additional caseload that may result from this proposal within existing resources. Oversight assumes any significant increase in the workload of the CTS would be reflected in future budget request.

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet

ASSUMPTION (continued)

these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Official from the **Department of Health and Senior Services** state that currently, the Bureau of Vital Records responds to approximately 10 to 15 inquiries and requests daily regarding access to sealed adoption records. Inquiries and requests for certified copies of original birth certificates are expected to double from the current amount, with an increase of approximately 3,780 requests annually (15 X average of 21 working days per month X 12 months in a year = 3,780 requests). There is currently one Senior Office Support Assistant - Keyboarding (SOSA) working on adoptions. An additional SOSA would be needed to handle the additional requests.

This position would assist internal and external customers through written correspondence, in person, and over the telephone primarily regarding adoptions, vital events and related matters. The staff would perform moderate to difficult clerical and technical functions involving a significant amount of public contact. Duties include processing documents related to births, including adoption decrees (domestic and foreign); legitimating affidavits; amending or creating new certificates as instructed by affidavit or court order; processing delayed applications; performing manual and computer searches; updating the system mainframe; and issuing certified copies as requested. Standard expense and equipment costs are included for one FTE. In addition, approximately \$1,663 would be needed for postage (3,780 requests X \$0.44/envelope).

Oversight assumes, because the potential significant increase in the workload is speculative, that the DHSS could absorb one FTE. Any significant increase in the workload of the DHSS would be reflected in future budget request.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE FUND			
<u>Income</u> - Department of Health and Senior Services			
Birth Certificate Fees	<u>\$12,600</u>	<u>\$15,500</u>	<u>\$15,964</u>
<u>Costs</u> - Department of Health and Senior Services			
Postage	<u>(\$1,386)</u>	<u>(\$1,705)</u>	<u>(\$1,747)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$11,214</u>	<u>\$13,795</u>	<u>\$14,217</u>
CHILDREN'S TRUST FUND			
<u>Income</u> - Department of Health and Senior Services			
Birth Certificate Fees	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
ESTIMATED NET EFFECT ON CHILDREN'S TRUST FUND	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
ENDOWED CEMETERY FUND			
<u>Income</u> - Department of Health and Senior Services			
Birth Certificate Fees	<u>\$3,150</u>	<u>\$3,875</u>	<u>\$3,991</u>
ESTIMATED NET EFFECT ON ENDOWED CEMETERY FUND	<u>\$3,150</u>	<u>\$3,875</u>	<u>\$3,991</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2012 (10 Mo.)	FY 2013	FY 2014
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**MISSOURI PUBLIC HEALTH
 SERVICES FUND**

Income - Department of Health and
 Senior Services

Birth Certificate Fees	<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
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**ESTIMATED NET EFFECT ON
 MISSOURI PUBLIC HEALTH
 SERVICES FUND**

<u>\$15,750</u>	<u>\$19,375</u>	<u>\$19,955</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Sections 193.125, 193.135, 193.255, 453.121, 453.510, 453.515 & 453.520:

This legislation changes the laws regarding adoption records. For adoptions completed after August 28, 2011, the legislation:

- (1) Requires the juvenile court to provide each birth parent with a confidentiality preference form prior to the entry of any adoption decree;
- (2) Requires, if a birth parent objects, the juvenile court to provide the form to the State Registrar, to be filed with the original birth certificate of the adopted person;

FISCAL DESCRIPTION (continued)

(3) Allows any adopted person who is at least 18 years of age, born in Missouri, and who provides proof of identification or the adopted person's descendants if the adopted person is deceased to obtain a copy of the adopted person's original birth certificate unless the birth mother or birth father has objected. If a birth mother or birth father has objected, the person can request the Department of Social Services, the child-placing agency which processed the adoption, or the juvenile court personnel to make reasonable efforts to notify the birth mother and birth father of the request for its disclosure. The requestee may be charged for the actual costs of attempting the notification;

(4) Requires, if the birth mother and birth father consent to the release of the original birth certificate, the Department of Social Services, the child-placing agency which processed the adoption, or the juvenile court personnel to obtain a copy of a notarized form signed by the birth mother and birth father, if known, giving consent to release the original birth certificate;

(5) Specifies that a copy of the original birth certificate cannot be released if the birth mother and birth father cannot be located or if they do not consent to its release. Another request for the release can only be made until at least three years after the original or any future request; and

(6) Specifies that a copy of the original birth certificate can be released upon the birth mother's and birth father's death.

For adoptions completed on or prior to August 28, 2011, the legislation:

(1) Allows any adopted person who is at least 18 years of age, born in Missouri, and who provides proof of identification or the adopted person's descendants if the adopted person is deceased to obtain a copy of the adopted person's original birth certificate unless the birth mother or birth father has objected. If a birth mother or birth father has objected, the person can request the Department of Social Services, the child-placing agency which processed the adoption, or the juvenile court personnel to make reasonable efforts to notify the birth mother and birth father of the request for its disclosure. The requestee may be charged for the actual costs of attempting the notification;

(2) Requires, if the birth mother and birth father consent to the release of the original birth certificate, the Department of Social Services, the child-placing agency which processed the adoption, or the juvenile court personnel to obtain a copy of a notarized form signed by the birth mother and birth father, if known, giving consent to release the original birth certificate;

FISCAL DESCRIPTION (continued)

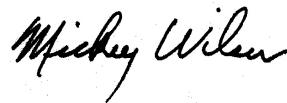
(3) Specifies that a copy of the original birth certificate cannot be released if the birth mother and birth father cannot be located or if they do not consent to its release. Another request for the release can only be made until at least three years after the original or any future requests; and

(4) Specifies that a copy of the original birth certificate can be released upon the birth mother's and birth father's death.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Health and Senior Services
Department of Social Services
Missouri State Treasurer
Office of the Secretary of State



Mickey Wilson, CPA
Director
March 1, 2011